

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAR 29 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROSHI TAKANASHI
and
TOMOYA KUDO

Appeal No. 2005-1030
Application 09/739,750

ORDER REMANDING TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 1, 2005.

According to page 6 of the the Appeal Brief filed July 21, 2003, "[t]he showing of unexpected results was also substantiated by the Declarations filed on September 25, 2000 and May 23, 2000 in the parent application, copies attached."

Page 8 of the Examiner's Answer mailed November 4, 2003, states:

The Examiner notes that Examples 1-34 and Table I of the present specification are identical to Experiments 1-34 and Table I of the declaration executed September 25, 2000 and filed in parent application 09/262,077

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on December 20, 2000. A copy of this declaration was submitted with Appellant's Brief.

We are unable to locate a copy of the September 25, 2000 declaration in the Image File Wrapper (IFW).

Accordingly, it is

ORDERED that the application is electronically remanded to the Examiner:

1. for locating the missing September 25, 2000 declaration and having a complete copy scanned into the IFW file;
2. for written notification to appellants regarding the action taken; and
3. such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
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